

not longer avail ourselves of this service, would appreciate your advising us as to what procedure may be followed in the future to guarantee receipt of authentic information relative to foreign medical school credentials.

Respectfully submitted,

BOARD OF MEDICAL EXAMINERS,  
State of California.

By C. B. PINKHAM, M. D.,  
*Secretary-Treasurer.*

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(COPY)

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

Department of State

*American Consulate General*

Berlin, Germany,

July 9, 1938.

Dr. C. B. Pinkham,  
Secretary-Treasurer,  
Board of Medical Examiners,  
State of California,  
420 State Office Building,  
Sacramento, California.

Sir:—The receipt is acknowledged of your letter dated June 24, 1938, in which you request this office to verify whether one ———, M. D., received a medical diploma from the Friedrich Wilhelm University at Berlin, how long he studied medicine there, and whether he is licensed to practice medicine in Germany. It is noted that this information is desired in connection with Doctor ———'s application to practice as a physician and surgeon in the State of California.

In reply I regret to have to inform you that this Consulate General is not in a position to obtain such information for aliens. It is suggested that the interested person have relatives or an agent here, such as a lawyer, obtain the necessary documents proving his allegations. These documents can be obtained from the pertinent authorities on the payment of the usual fees and in turn can be duly authenticated by this office (on the receipt of the prescribed fees) for use in the United States. As of possible assistance there are enclosed a list of American attorneys in Berlin and a list of German attorneys.

Very truly yours,

(Signed) RAYMOND H. GEIST,  
*American Consul.*

**Subject: California Society for the Promotion of Medical Research.\***

August 18, 1938.

Editor, CALIFORNIA AND WESTERN MEDICINE.

In the August issue of CALIFORNIA AND WESTERN MEDICINE you printed a list of seventy-nine organizations endorsing the campaign against the proposed State Humane Pound Act.

This number has now increased to one hundred twenty-eight, a list of those not published being attached.

Very sincerely yours,

WILLIAM F. BENEDICT,  
*State Campaign Director.*

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LIST OF ADDITIONAL ORGANIZATIONS ENDORSING WORK OF  
CALIFORNIA SOCIETY FOR THE PROMOTION OF MEDICAL  
RESEARCH FOR THE DEFEAT OF PROPOSED  
"STATE HUMANE POUND ACT"

California Tuberculosis Association  
American Society for Pharmacology and Experimental  
Therapeutics  
Certified Milk Producers' Association of America  
American Genetic Association  
American Psychiatric Association  
National Tuberculosis Association  
American Society for Experimental Pathology  
American Society of Medical Technologists

\* Office at 369 Pine Street, San Francisco. Telephone Sutter 8118.

American Society for the Control of Cancer  
National Gastroenterological Association  
American Board of Pathology  
American Association of Railway Surgeons  
Eastern Surgical Society  
American Association of the History of Medicine  
American Society of Naturalists  
Agricultural Council of California  
Oklahoma Academy of Science  
Pacific Physical Therapy Association  
California Cattlemen's Association  
Association for the Advancement of Industrial Medicine  
and Surgery  
North Dakota Academy of Science  
American Academy of Ophthalmology and Otolaryngology  
Federation of State Medical Boards of the United States  
Association for the Study of Allergy  
American Association of Orthodontists  
California Association of Health, Physical Education and  
Recreation  
Illinois State Academy of Science  
Indiana Academy of Science  
American Association of Neuropathologists  
American Medical Association, Woman's Auxiliary  
American Veterinary Medical Association  
American Orthopaedic Association  
American Association of Immunologists  
Bureau of Hotels, Restaurants and Purveyors  
San Francisco Restaurant Association  
Southern California Retail Druggists' Association  
Jewish Consumptive and Expatients' Relief Association  
Los Angeles Chamber of Commerce  
Dried Fruit Association of California  
Italian Legion  
American Chemical Society, Pacific Intersectional Division  
American Meteorological Society  
American Physical Society  
American Society of Plant Physiologists, Western Division  
Astronomical Society of the Pacific  
Northwest Scientific Association  
Oceanographic Society of the Pacific  
San Diego Society of Natural History  
Seismological Society of America  
Western Society of Soil Science  
Academy of Physical Medicine  
French Mutual Benevolent Society  
California Fruit Growers Exchange

## MEDICAL JURISPRUDENCE †

By HARTLEY F. PEART, ESQ.  
*San Francisco*

### Reports and Certificates Required of Physicians and Surgeons by Various Statutes

During the normal course of a physician's practice, it often becomes necessary to fill out and file reports and certificates of one kind or another.

It is believed that a review of the essential requirements relating to some of the more common reports and certificates may be helpful to practicing physicians and surgeons.

Usually a report or certificate is required because of the provisions of a statute. Sometimes, as in the case of insurance applications or reports, it is a purely voluntary act to aid a patient. In the following discussion only reports and certificates required by a law or statute will be considered.

### Reporting of Injuries Inflicted by Violence

Under the terms of a statute enacted in 1929 (Deering's General Laws, Act 3431) it is the duty of every physician or surgeon who has under his charge or care a person suffering from a wound or injury inflicted by means of a knife, gun, pistol or other deadly weapon to submit a report both by telephone and in writing to the chief of police, city marshal, town marshal or other head of the police department of the city or town within which the injured person is found. If the patient resides in a rural area, the report must be made to the sheriff of the county. This statute must be complied with if the injury is self-inflicted or

† Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, presenting copy submitted by Hartley F. Peart, Esq., will contain excerpts from and syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.

occasioned by the act of another or inflicted "in violation of any penal law of this state." The statute does not enlighten one with respect to how a physician or surgeon is to determine whether or not a violent injury was inflicted in violation of a penal law. The burden, however, is on the physician or surgeon to decide at his peril. Therefore, it is essential that every violent injury, whether it is caused by means of knife, gun, pistol or other deadly weapon, be immediately reported even though the attending physician or surgeon may have reason to believe that the injury occurred innocently or accidentally.

### Reporting of Contagious Diseases

A 1907 statute (Deering's General Laws, Act 6238, Section 16) provides that:

All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees and persons living in or visiting any sick person at any hotel, lodging house, house, building, office, structure, or other place where any person takes ill of any infectious, contagious or communicable disease shall promptly report such fact to the county, city and county, city or other local health board or health office. . . .

The penalty for violation of this statute is a fine of not less than \$25 nor more than \$500 or imprisonment for not more than ninety days or both such fine and imprisonment.

### Reporting Industrial Accidents

Under Section 6407 of the California Labor Code, every physician or surgeon who attends an injured employee, that is to say, an employee injured in the course of employment, must file with the Industrial Accident Commission a complete report of the injury sustained. The section also provides that the report is not necessary if the injury does not last "through the day or does not require medical service other than ordinary first-aid treatment." A report is required by Section 6407 only if an injury is received by an employee during the course of his employment. No report is necessary if an employee is injured outside of working hours.

### Reporting of Ophthalmia Neonatorum

Section 551 of the Business and Professions Code provides that:

It is the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital, parent, relative, and any persons or person attendant upon or assisting in any way whatsoever either the mother or child, or both, at childbirth in all cases where the child develops, within two weeks after its birth, ophthalmia neonatorum and such person knows it to exist, to report the case within twenty-four hours after knowledge . . . to the local health officer of the county or city within which the mother of any such infant resides.

Failure to report to the local health officer as required by the foregoing section constitutes a misdemeanor.

### Death Certificates

Death certificates are required in all cases, and the portion thereof known as the "Medical Certificate" must be made and signed by the physician, if any, last in attendance on the decedent. The attending physician is required to specify the time in attendance, the time he last saw decedent alive and the hour of the day on which death occurred. (Deering's General Laws, Act 1998, Sec. 6). In addition, the attending physician is required to state the cause of death, giving the primary and immediate causes and contributing causes, if any, and the duration of each. The statute also provides:

For cause of death in hospitals, institutions, or away from home, the physician shall furnish the information required under this head and shall state where, in his opinion, the disease was contracted.

Death certificates are required for stillborn children or those dead at birth. In cases of stillbirths the medical certificate of cause of death must be signed by the attending physician or midwife and must state the cause of death as "stillborn" with the cause of stillbirth, whether a premature birth, and if born prematurely the period of uterogestation in months, if known.

With respect to all vital statistics, there is a State Bureau of Vital Statistics within the State Department of Public

Health. The Bureau of Vital Statistics is required to superintend the complete and proper registration of deaths and for this purpose the state is divided into registry districts. The recorder of each county or city and county, and the clerk of each city or incorporated town is the local registrar for the Bureau of Vital Statistics. Certificates of death are required to be filed with local registrars.

In cities having a charter, the health officer is required to act as local registrar in lieu of the recorder.

The Vital Statistics Act requires that every physician *must* register with the local registrar in the district in which he resides. It is a misdemeanor to violate any of the terms of the Act.

### Birth Certificates

It is the duty of physicians and midwives to make a return to the local health officer of all births occurring in their practice during each preceding month (Deering's General Laws, Act 5233, Sec. 184). Such returns must be made upon blanks furnished by the State Board of Public Health.

In connection with birth certificates, it was held in *People vs. Fraser*, 23 Cal. App. 82, that a birth certificate is not an "instrument" within the meaning of that term as used in Section 115 of the Penal Code. Section 115 provides that it is a felony to procure the filing or recording of a false or forged instrument in any public office of this state. Hence, a birth certificate is not granted the dignity of a conveyance or mortgage.

## SPECIAL ARTICLES

### VIOLATION OF ANTI-TRUST LAWS IN ALLEGED EFFORTS TO PREVENT OPERATION OF GROUP MEDICAL ORGANIZATION TO BE PROBED

The Department of Justice, according to a United Press dispatch dated Washington, July 31, announced that it will file criminal proceedings against the American Medical Association and the District of Columbia Medical Society to determine whether any of their members violated anti-trust laws in opposing group health associations.

Citing specifically organized opposition to Group Health Association, Inc., here, formed by 2,500 government employees to provide prepaid medical care at a nominal sum, the Department charged that the American Medical Association and district society "and some of the officials of both these organizations are attempting to prevent this association from functioning."

#### METHODS DETAILED

A department statement, issued by Thurman Arnold, Assistant Attorney-General in charge of "trust-busting," charged that the two organizations allegedly employed the following methods to prevent operation of the Association:

1. Threatened expulsion from the District Medical Society of doctors who accept employment with Group Health Association.
2. Threatened expulsion from the District Medical Society of doctors who take part in medical consultation with Group Health Association staff doctors.
3. Exclusion from Washington hospitals of Group Health Association staff doctors, making it impossible for them to practice their profession in the hospitals.

The Department said that, in its opinion, "this is a violation of the anti-trust laws because it is an attempt on the part of one group of physicians to prevent qualified doctors from carrying on their calling and to prevent members of Group Health Association from selecting physicians of their own choice."

#### LAW INTERPRETED

"The Department interprets the law as prohibiting combinations which prevent others from competing for services as well as goods," the statement said. "The particular persons responsible for this violation can only be ascertained by a grand jury investigation. Such an investigation will be undertaken by the Department in the near future."